



June 20, 2008

Karl A. Rinker
Rinker's, Inc.
d/b/a Rinkers Communications
103 South Main Street
Barre, Vermont 05641

Jurisdictional Opinion #7-260

RE: Request for Jurisdictional Opinion Received on June 19, 2008
Proposed Reduced Size (Potentially Interim) Tower Structure, Lunenburg
Act 250 Permit #7E1229

Dear Karl,

As requested by you during our office meeting today, I am writing regarding the above-referenced project to provide my opinion regarding Act 250 jurisdiction.

I understand that:

- (i) A relatively recent tower installation located in New Hampshire has changed your expectation of foreseeable cellular service provider use of your recently permitted #7E1229 tower in Lunenburg;
- (ii) Elimination / reduction of the previously planned cellular service antenna load would allow a decrease in the lattice tower size; specifically, the currently anticipated (predominantly non-cellular) antenna structural needs can be met with a proposed revised guyed lattice tower having maximum width of 18 inches, which is a considerable reduction from the maximum width currently permitted via #7E1229, as identified in exhibits;
- (iii) Excepting the above-noted reduction in scale / width of the lattice tower structure, all other aspects of the tower project would remain unchanged;
- (iv) In the future, you may endeavor to replace the proposed initially installed smaller tower with a wider / larger structure having dimensions as permitted via #7E1229. You understand that the current deadline for completion of such construction is October 15, 2012, as identified in condition number 20 of permit #7E1229, as discussed.

The described proposed smaller-scale lattice tower project, including potential future replacement with larger previously permitted lattice structure, is not a *material change* to the previously permitted #7E1229 development, pursuant to Natural Resources Board Rule 2(c)(6)

I conclude that an Act 250 permit is not required.

Thank you for inquiring about permit requirements under Act 250. Please feel free to call me if you have any questions, or if you would like our office to issue this determination to other potentially interested persons, pursuant to 10V.S.A § 6007 (c).

Sincerely

Kirsten Sultan, P.E., Coordinator
District #7 Environmental Commission

c: District Commission

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address.

Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. #802-828-1660).

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